

REMARKS

Claims 1-28 and 52-57 remain in the application and have been amended hereby, with new claims 58 and 59 having been added.

Reconsideration is respectfully requested of the objection to claims 52-57 under 37 C.F.R 1.75(c).

The claims have been amended hereby to provide limitations relative to the structural elements found in the claims from which these dependent claims depend.

Reconsideration is respectfully requested of the rejection of the claims under 35 U.F.C. 102(e) as being anticipated by Hendricks et al.

As previously explained and as shown in the drawings in the present application, the present invention is intended to provide a system in which new content data can be automatically downloaded and recorded from a data providing system to a portable device when it is determined that the data to be downloaded and recorded is so-called new data. This means that the data has a certain time relationship relative to what was previously available. Thus, the word new in the claims and specification has a specific meaning, as explained in the specification. The data retrieval processor of the data sending device checks whether or not the data has a new music number flag contained therein, as shown in Fig. 4. Similarly, in the data receiving device it is checked whether or not the new music number flag is present so as to determine whether to

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be properly recorded on the hard disk drive of the portable terminal device. Alternatively, as described in the present specification, music data that is not received by the user yet, can be defined as new music number data.

The claims have been amended herby to emphasize the above-noted features of the present invention and to place the claims in means plus function language, so as to more clearly relate to the embodiment described in the specification.

Hendricks et al. as previously noted relates to a set top box that receives videos signals over the installed cable and supports various kinds of other services in addition to television programming. In Hendricks et al. the cable headend receives programs from the operation center and distributes them to the set top boxes. The cable headend does not verify that the data received from a server is data corresponding to new content as in the presently claimed invention.

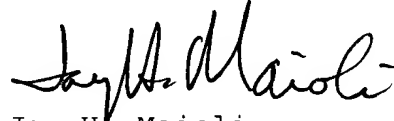
Hendricks et al. is silent concerning what kind of data is being supplied, that is, whether the data being supplied is new data or simply data that has been around for a long period of time. Thus, it is respectfully submitted Hendricks et al. fails to show or suggest an automatic recording function that takes place when it is recognized that the received contents are new contents. As recited in the claims, the controller controls the second storage unit to automatically store the data sent from the first sending receiving unit when results as checked by a decision unit verify that the data is data corresponding to new content, a feature not shown or suggested in Hendricks et al.

Accordingly, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that a data sending receiving apparatus in which new content is transmitted and automatically recorded upon reception, as taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited reference.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in black ink, appearing to read "Jay H. Maioli". The signature is fluid and cursive, with the first name "Jay" and last name "Maioli" being clearly legible.

Jay H. Maioli
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JHM/PCF:pmc